

APPROVED: Meeting No. 14-94

ATTEST:

*Paula S. Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 09-94

March 14, 1994

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on March 14, 1994, at 7:30 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember Nina A. Weisbroth

In attendance: City Manager Bruce Romer, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The new mail-in process for Summer camp registrations has begun; the deadline was March 11th and the City has so far, received and processed 1,012 applications. Mr. Romer said he felt that the mail-in program would be successful, and to the best of staff's knowledge, all registrants have been accommodated with their first choice. Councilmember Krasnow thanked staff for being willing to change the process in order to accommodate mail-in registrations which she said was favored by most citizens; she also asked that staff provide a follow-up report on the new process.

2. Mr. Romer noted that in response to a special appeal from The Rockville Arts Place, and in following the City's practice of funding outside agencies, the City was entering into a

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"Cooperative Partnership Agreement" with RAP. In return for advanced funding of \$50,000 the City was scheduled to provide to RAP in FY95, RAP will be developing a more productive organization with increased income-generating activities and increased participation of Rockville residents in RAP's Board, memberships and programs.

Re: Presentation by Girl Scout  
Service Unit #2 in Rockville.

Cali McCord (Daisy Troop 760), Brittany Die (Brownie Troop #2022), Adrienne Boice (Junior Troop 2219), Katie Hylden (Cadette Troop #2419) and Regina Cox (Senior Troop #741) reported to the Mayor and Council on ongoing activities in the City. Regina Cox then registered Mayor Coyle's honorary membership in the Troop. The two women representing the Girl Scouts were Julie Stewart (Girl Scout Service Unit #2) and Jim Bates, Senior Leader (Troop #741).

Re: Presentation of Certificate of  
Appreciation to Mayor and  
Council, from The Dwelling  
Place.

The Dwelling Place, a non-profit organization that provides transitional housing for homeless families, held a successful fundraiser at the Civic Center Mansion in January. Katherine Evans and Sally McGarry, Board Members of The Dwelling Place, presented the Certificate of Appreciation to the Mayor and Council for their support with the fundraiser.

Re: Citizens Forum - This time is  
set aside to hear from any  
citizen who wishes to address  
the Mayor and Council.

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1. Stacey Howard, 1401 Aintree Drive expressed concern that stormwater runoff was rapidly eroding streets and the foundations of bridges in the Watts Branch area. She said that SWM waivers may be contributing to some of the problems and she asked the Mayor and Council to delay taking action on Agenda Item 9, so the citizens could have time to study the impact and analysis of the water that was pouring into the stream.
2. Ginny Barnes, 10311 Glenn Road, Potomac said she lived on the Watts Branch stream for over 20 years and had witnessed degradation of the stream from runoff. From monitoring a site on the Watts Branch, Ms. Barnes said that studies have shown that the Watts Branch was unable to endure the stormwater delivered to it because the increased runoff had severely eroded the banks. As a result, the aquatic ecology was threatened, the silt in the stream prevented gill breathing organisms from breeding and diversity in the stream and habitat was lost. Ms. Barnes said that any waiver for projects in the Watts Branch are were unconscionable on the City's part, and she asked the Mayor and Council to seriously consider the issue.
3. Randy Slovic asked that Item #9 be pulled off the agenda for a couple of weeks because the Sierra Club had only received notice of the agenda item on Friday and they wanted to be able to evaluate the projects.
4. Bill Meyers, 804 Leverton Road said that Item #9 was for a proposed SWM facility to be built in the future and he felt that the conveyance of the stormwater from the site when it did enter into the creek would cause continued erosion. Mr. Meyer also commented on the recent snow and ice storms and said that it appeared the City's policy regarding snow removal from sidewalks seemed to have changed. Mr. Meyers said he noticed that 48 hours after the February 17th storm, most

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businesses and residences had not made any effort to clear the snow and ice and when he called the Inspection Services Division, he was told that the City had decided not to enforce snow removal at this time. Mr. Meyer cited a recent accident where a pedestrian who slipped on the ice was run over by a Metrobus and he expressed concern for persons who were forced to walk and stand in the streets.

Mr. Romer explained that there was a period of time following one of the winter's most difficult ice storms when the City would normally have begun sidewalk snow removal enforcement by notifying people that the ordinance required snow removal within 24 hours. He said when the combination of snow and ice fell, putting out notices resulted in a flood of phone calls from property owners, particularly senior citizens, who were unable to comply with the ordinance. Mr. Romer said that dealing with these experiences was difficult and he had made the decision to hold off on enforcement for a few days given the difficulty of the situation. Mr. Romer said that when normal enforcement was resumed, staff was still flooded with phone calls from businesses and residents who said that it would be difficult to comply because of the severity of the conditions.

Mayor Coyle said relaxing the policy for residences was a good idea; however, the situation was different for business owners because of the dangerous conditions created in public areas. Councilmember Krasnow said that it was interesting to note that most parking lots were cleared before the sidewalks; she said that the City's policy may need to be looked at and reexamined to allow for certain adjustments in severe winter storms. Councilmember Marrinan commented that the issue of clearing public right-of-ways (i.e., bus stops) was a serious safety issue and he said the City may need a specific policy for addressing enforcement at bus stop areas. Councilmember Dorsey added that clearing snow and ice around fire hydrants was another area that needed to be addressed.

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Councilmember Krasnow said she noticed during the last storm, there was a tendency for the City to leave piles of snow at corners which later became frozen mounds and made it difficult for pedestrians and vehicle drivers to see around; she asked that this be looked at as well. Mayor Coyle said it should be understood that the City did an excellent job in clearing the streets; however, the policy needed to be reexamined when the City was faced with the type of severe weather conditions experienced this winter.

5. James Moone, President, Montgomery County Chapter, Southern Christian Leadership Conference thanked the Mayor, Council, and City Manager for the Drop-In meeting that took place this evening and said the SCLC looked forward to a fruitful relationship with the City in FY 94-95. He also expressed appreciation for the City's continued support of the organization's computer center and said they looked forward to the planned Worksession with the Mayor and Council.

Re: Consent Agenda

Councilmember Krasnow requested removal of Item A and C. Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, Consent Item B was approved:

- (B) Award of contract to Montgomery County Public Schools Division of Transportation, for bus transportation for the City's Summer Camps and Summer Playgrounds programs, in the amount of \$50,110.

Sufficient funding exists in the Recreation and Parks Department budget.

- (A) Approval of contract amendment for Phase II roof systems engineering and construction inspection services, to Professional Service Industries, Inc. (PSI), in the amount of \$31,110.

This project calls for the design, construction administration, and field inspection for re-roofing four municipal buildings; City Hall, Fitzgerald Theatre, Municipal Swim Center, and Public Works Maintenance Building. This amendment is based on a requirements contract which was previously awarded to PSI. Sufficient funds are budgeted for this contract.

Councilmember Krasnow requested removal of this item (A) to inquire about the cost of the contract and to find out what was being inspected. Recreation Director, Brut Hall, responded that the inspection costs represented a large part of Professional Services Industries' contract which was a requirements contract. The inspection services were for on-site inspections to ensure that the new roof was installed properly. Mr. Hall noted that the membrane roofs had not performed as well as expected and would not be installed as the City was returning to the flat roofing systems.

Councilmember Dorsey questioned if the inspection was an ongoing repair inspection. Mr. Hall responded that the way in which the roof was installed was critical, consultants have shown it was important to invest in providing on-site, full-time inspection in order to ensure the roof was installed properly. Mr. Dorsey also requested that the inspectors visit the Lincoln Park Community Center as he noticed problems with the roof leaking. Mr. Hall explained that the Lincoln Park roof would be looked at as part of the project.

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Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the approval of a contract amendment for Phase II roof systems engineering and construction-inspection services, was approved.

- (C) Award of RFP #61-94 for Fireworks Productions for Hometown Holidays, Independence Day, and Rotary Twilight Runfest, for three years (FY94-95, FY95-96, FY96-97), to Zambelli Internationale in the amount of \$123,000. Awards for the second and third years are at the sole discretion of the City. All awards are contingent on appropriation of funds. \$9,000 for fireworks displays for the Rockville Rotary Twilight Runfest is included which will be awarded only if funding is provided by the Rockville Rotary Club.

Sufficient funding for Hometown Holidays and Independence Day is provided for in the Recreation and Parks Department, Special Events Division budget.

Councilmember Krasnow requested removal of Item C to inquire whether steps had been taken to avoid fireworks ashes from raining down on spectators during the celebration. Mr. Hall said in all his years of celebrations held at Richard Montgomery High School, 1993 was the first time the wind blew in a direction that caused ashes to fall into the bleachers. He said the site met all federal guidelines and that the crowd was the correct distance from the firing site; however, the wind direction was not predictable. Councilmember Krasnow suggested that the crowd be made aware of falling ashes by using the public address facilities at the site.

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Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, RFP 09-94 was awarded for fireworks Productions for Hometown Celebrating Independence Day, and Lunar Twilight Runfest, for three years (FY94-95, FY95-96, FY96-97), to Zambelli Internationale in the amount of \$123,000.

Re: Adoption of Ordinance to amend Chapter 15, entitled "Personnel," so as to change the name of the "Retirement and Disability Board" to the Retirement Board," and to delete the Board's responsibilities and authority relating to disability programs and benefits.

The Board has recommended this change to more accurately reflect its current responsibilities.

#### Ordinance No. 09-94

Councilmember Marrinan stated that as a member of the Board, he was in support of the proposed amendment. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Ordinance No.09-94, the full text of which can be found in Ordinance Book No. 18 of the Mayor and Council, was adopted, amending Chapter 15.

Re: Approval of on-site SWM waiver for the construction of four single family houses and a cul-de-sac extension of Wood Lane on a 1.3 acre lot located in the Rock Creek drainage area and the



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acceptance of \$24,000  
contribution for the off-site  
SWM fund.

The runoff is being waived to  
the existing Maryvale II SWM  
facility. Waiver category: I-  
A-5.

Mr. Romer said this particular waiver involved a small subdivision and was approved by the Planning Commission with conditions. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the on-site SWM waiver for the construction of four single family houses and a cul-de-sac extension of Wood Lane was approved, and the \$24,000 contribution for the off-site SWM fund was accepted.

Re: Approval of on-site SWM  
quantity control waiver for the  
construction of 20 single  
family homes on a 7.22 acre  
parcel located on Maryland  
Route 28 in the Watts Branch  
drainage area and the  
acceptance of \$93,600  
contribution for the off-site  
SWM fund.

The runoff is being waived to  
the proposed Glenora Park  
East SWM facility. Waiver  
category: II-A-5,6.

Councilmember Krasnow said this was the first waiver in her memory where a large parcel of land was involved, she also noted that the waiver was being directed for a facility not yet constructed. Ms. Krasnow referenced the statements made to the Mayor and Council regarding the

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site being surrounded by existing development areas with adequate capacity to accommodate the runoff, and she asked why an area detention pond on the site was not proposed. Civil Engineer, Janette Fearon explained that Glenora Park East facility was an authorized facility that had been in the CIP project with funds authorized years ago. She said she did not have soil or grading possible for putting in an infiltration trench for control and the pond was not safe because when a dam was constructed, it had to be taken into consideration what was downstream of the dam and in the pathway if the dam were to breach. Ms. Fearon said the hazard class of the dam was increased and because the proposed dam sat above the existing subdivision, it had to be assumed to be an instantaneous failure even if it never failed. Ms. Fearon also explained why staff objected to having a pond and underground system facility.

Councilmember Krasnow expressed concern that residents affected by the waiver might not be aware of the proposal and she said they needed to be comfortable that it would not increase runoff in this area. She asked if the agenda item could be tabled from the agenda tonight until staff could talk to residents. Councilmember Weisbroth also said she was not comfortable that the residents did not have enough time to work through the issue and come to their own conclusions. Mayor Coyle said because of the complexity of the issue, it would be helpful to have an idea, graphically, of what was being proposed, as well as a better description of the options for on-site control and how the project would impact the additional runoff.

Councilmember Marrinan suggested that an effort be made to reach out and inform those directly or indirectly impacted by the proposal. Ms. Krasnow noted that when the Stormwater Task Force report was done, education was stressed, and referencing a statement made earlier that the

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Mayor and Council should never grant a waiver in the Watts Branch area, she asked if staff could also address the cost comparisons for putting in an on-site facility versus the waiver and what the impact would be on the stream from increased water flow. Councilmember Dorsey said according to staff's report, the runoff from the site was being directed or collected toward a proposed system that was currently receiving 35% of its capacity. He said it appeared the quantity was increased to 43% and he questioned if the City had halfway outgrown a facility that had not yet been built. Ms. Fearon explained that the proposed Glenora Park East SWM facility now had a certain amount of volume in it and at this time, enough volume had been waived to fill it to 35.5%. She said with the additional waiver, volume would increase to 43.3 %. Mr. Romer added that the facility was sized to reasonably accommodate what could be expected to be waived to that facility.

It was agreed that staff should come back with more information for the Mayor and Council and citizens at the March 28th General Session.

Re: Discussion and Instructions to  
Staff - Review of Montgomery  
County's Capital  
Improvements Program (CIP)  
for FY 1995-2000 to develop  
comments for submission to  
the Montgomery County  
Council.

Mr. Romer reported that this annual event gave the City an opportunity to work with Montgomery County government on their CIP budget. Staff reviewed the County's CIP and presented the issues to the City's Planning Commission who also reviewed the CIP. Staff of the Planning

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Division, Community Development Department, Public Works and Recreation and Parks identified the following projects: (1) New Detention Center; (2) Detention Center Renovation; (3) Life Sciences Center Roadway Improvement; (4) Seven Locks Technical Center; (5) Rockville Town Center Redevelopment; (6) Rockville High School Second Gymnasium; and (7) Gude Drive Recreational Park.

Mr. Romer said the Planning Commission has agreed with the proposed staff analysis of the County's CIP with one exception. The Planning Commission proposed that stronger language be added to remove the present Seven Locks Road as an alternative site for county facilities. The Commission suggested the City recommend that those facilities be constructed elsewhere and the Seven Locks Road site be taken off the list of possible alternatives. Councilmember Marrinan recommended that the recommendation be explicitly stated that the County, in its own study, has shown that the site itself was not appropriate for additional expansion and that the topography did not lend itself to the kind of expansion being proposed for a 1200 bed core.

Mr. Romer noted three additional projects identified which were not in the County's CIP and he recommended that staff be directed to include these in the recommendations: (a) improvements to Wootton Parkway, from Falls Road to Glen Mill Road; (b) the reconstruction of Avery Road over the northeast part of the City and (c) the improvements to the dead end portion of Seven Locks Road. Mr. Romer noted that these projects should have County funding in order to proceed. The Mayor and Council directed that staff move forward with all the recommendations and the three additional projects as well.

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Re: FYI/Correspondence

1. Mayor Coyle noted three letters from senators and delegates thanking the City for Rockville Day in Annapolis.

Re: New Business

1. Councilmember Krasnow requested follow-up information on the project to drain fire hydrants in the City. She said some recent draining work on New Mark Esplanade flooded the backyard of one home, and she said that residents should be notified when these tests are conducted.

2. Councilmember Marrinan noted that the National League of Cities met in Washington over the weekend. In previous years, the main focus of the Human Development Steering Committee had been on health care; however, the focus shifted to crime and violence and NLC will address a number of issues dealing with crime and violence, i.e., mandatory minimum sentencing programs, licensing/control of firearms, and financing strategy for anti-crime programs. Mr. Marrinan commented on Rockville's major initiative the "End Violence Now Campaign" and he asked Councilmember Dorsey to comment on a meeting held on March 10th.

3. Mr. Dorsey reported that on March 10th, the Campaign held a status meeting. Rusty Wallace reported on County initiatives and Helen Roberto reported on her initiatives for bringing the Campaign into the schools. Mr. Dorsey added that he attended an NLC sponsored "Safer Cities" seminar on March 12th and the panel included State's Attorney Andrew Sonner and former Takoma Park Police Chief, Tony Fisher. Mr. Dorsey said that Rockville could be proud of its anti-crime message which was being listened to by other communities. Mayor Coyle noted that because of Rockville, two initiatives had been started; one in New Hampshire and one in Chicago. He said that

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Ms. Hampshire, the sister of the marine caught in Mogadishu was trying to get a nationwide anti-gang and family violence underway, and she had asked specifically to hear about Rockville's efforts.

Mayor Coyle noted that he had participated in an Unfunded Mandates rally on Capitol Hill where he spoke representing the NLC. Senator Kempthorn and Congressman Condit who introduced the bills on unfunded mandates were also present. Mayor Coyle said that cited in a recent publication, was Rockville's own experience with a mandate requiring the City to spend \$2 million dollars to filter and treat normal impediments which had no toxic threat and a zero net effect on the environment.

Re: Next Meeting

The Mayor and Council will hold a Public Hearing on Monday, March 21, 1994 regarding the exchange of property North of Middle Lane between the City and the Pension Benefit Fund, Inc. and to grant an option from the City to FP Rockville Limited Partnership to purchase part of the City owned property North of Middle Lane. The City has a March 24th public information meeting for the Council of Governments to present its findings on the Cabin John watershed study.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:03 p.m., to convene again in Public Hearing at 7:30 p.m. on March 21, 1994, or at the call of the Mayor.